

# COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

## CHARTER AMENDMENT RESOLUTION NO. R-13-14

<b>Introduced By</b>	<b>City Council</b>
<b>Date Introduced</b>	<b>December 10, 2012</b>
<b>Amendments Adopted</b>	
<b>Date Adopted</b>	<b>December 10, 2012</b>
<b>Date Effective</b>	<b>February 6, 2013</b>

## A CHARTER AMENDMENT RESOLUTION to

REPEAL AND RE-ENACT, WITH AMENDMENTS, SECTION C-820 OF THE CHARTER OF THE CITY OF SEAT PLEASANT IN ORDER TO (1) CLARIFY OR MAKE CERTAIN REFERENCES IN SUCH SECTION CONSISTENT, (2) CLARIFY THE PROCESS BY WHICH CERTAIN PROCUREMENT APPROVALS SHALL BE MADE, (3) EXEMPT PROFESSIONAL SERVICES CONTRACTS FOR AMOUNTS IN EXCESS OF \$7,500 FROM COMPETITIVE BIDDING REQUIREMENTS AND TO SPECIFY HOW NEGOTIATED PROFESSIONAL SERVICES CONTRACTS MAY BE AUTHORIZED, AND (4) EXCEPT WITH RESPECT TO THE SELECTION OF THE PRIMARY DEVELOPMENT ENTITY WITH WHICH THE CITY SHALL ENTER INTO ANY PUBLIC-PRIVATE PARTNERSHIP, EXEMPT CONTRACTS WITH INDIVIDUALS OR ENTITIES INVOLVING SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF IMPROVEMENTS, SERVICES OR CITY-RELATED EXPENSES FOR AMOUNTS IN EXCESS OF \$7,500 ANCILLARY TO A PUBLIC-PRIVATE PARTNERSHIP FROM COMPETITIVE BIDDING REQUIREMENTS AND TO SPECIFY HOW SUCH NEGOTIATED ANCILLARY PUBLIC-PRIVATE PARTNERSHIP CONTRACTS MAY BE AUTHORIZED; AND PROVIDING FOR COMPLIANCE WITH CERTAIN PROVISIONS OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO CHARTER AMENDMENTS.

**WHEREAS**, Section C-820 of the Charter of The City of Seat Pleasant (the “City”), as currently in effect, provides for the manner in which the City may expend amounts for supplies, equipment, professional services and City-related expenses, including specifying that competitive bidding procedures must be complied with in certain instances; and

**WHEREAS**, Section C-820 of the Charter, unlike the charters of many other Maryland municipal corporations, does not contain an exemption from competitive bidding requirements for professional services contracts under certain circumstances; and

**WHEREAS**, as currently in effect, Section C-820 of the Charter would require the City to utilize competitive bidding to determine ancillary participants in public-private partnership projects for amounts in excess of \$7,500, and the Council desires to amend the Charter to exempt the

selection of such participants from competitive bidding requirements because public-private partnerships often involve “packaged” teams; and

**WHEREAS**, the Council of the City desires to amend Charter Section C-820 in order to (i) make certain changes for purposes of clarification or consistency, (ii) specify the manner in which certain authorizations or approvals shall be made, (iii) exempt professional services contracts for amounts in excess of \$7,500 from competitive bidding requirements, and (iv) exempt contracts for amounts in excess of \$7,500 with participants ancillary to a public-private partnership from competitive bidding requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of The City of Seat Pleasant, that:

**SECTION 1.** Pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland (West 2002 and 2012 Cumulative Supplement), as amended to date, and Section 13 of Article 23A of the Annotated Code of Maryland (West 2002 and 2012 Cumulative Supplement), as amended to date, Section C-820 of the Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Volume 7, 2008 Replacement Edition and November 2011 Supplement), as amended to date (the “Charter”), be repealed and re-enacted, with amendments, to read as follows:

Section C-820. Purchasing and Contracts.

(a) The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

(b) The City Administrator may spend up to three thousand dollars (\$3,000) without Council approval for supplies, MATERIALS, equipment, CONSTRUCTION OF IMPROVEMENTS, [professional] services and city-related expenses. The City Administrator shall obtain Council approval (WHICH APPROVAL MAY BE MADE BY RESOLUTION OR MOTION) for any expenditures for supplies, MATERIALS, equipment, CONSTRUCTION OF IMPROVEMENTS, [professional] services[,] AND city-related expenses [and other services] in excess of three thousand dollars (\$3,000) AND UP TO SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500). EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION C-820, [Any cost for] THE PROVIDER OF any [services,] supplies, MATERIALS, equipment, CONSTRUCTION OF IMPROVEMENTS, SERVICES and city-related expenses COSTING in excess of seven thousand five hundred dollars (\$7,500) shall be SELECTED by competitive bid as established by this Charter and ordinances of the [City] Council AND ANY SUCH EXPENDITURES SHALL BE MADE ON WRITTEN CONTRACT. The [May [Mayor]/] Chief Administrative Officer shall be required to advertise for sealed bids FOR ANY SUCH WRITTEN CONTRACT in such manner as may be prescribed by ordinance. [The contract, in writing,] ANY SUCH WRITTEN CONTRACT shall be awarded to the bidder

who offers the lowest or best bid and the best quality of goods and work and time of delivery or completion, with the responsibility of the bidders considered. BY RESOLUTION, THE COUNCIL MAY APPROVE OR AUTHORIZE ONE OR MORE APPROPRIATE OFFICIALS TO APPROVE [All] ANY such written contract[s] [shall be approved by the Council] before THE SAME [becoming] BECOMES effective. The Council shall have the right to reject bids and readvertise. The city, at any time in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the city may require.

(C) THE COUNCIL MAY EXEMPT CONTRACTS INVOLVING PROFESSIONAL SERVICES IN EXCESS OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500), INCLUDING (WITHOUT LIMITATION) ACCOUNTING, ARCHITECTURAL, AUDITING, CONSULTING, COMPUTER MAINTENANCE AND SUPPORT SERVICES, ENGINEERING, LEGAL, PLANNING, OR SURVEYING SERVICES, FROM COMPETITIVE BIDDING AND ANY SUCH WRITTEN PROFESSIONAL SERVICES CONTRACTS MAY BE NEGOTIATED BY THE CITY ADMINISTRATOR WITH THE APPROVAL OF THE COUNCIL OR BY THE COUNCIL ITSELF. BY RESOLUTION THE COUNCIL MAY (1) PROVIDE FOR THE EXEMPTION OF ANY SUCH WRITTEN PROFESSIONAL SERVICES CONTRACT FROM COMPETITIVE BIDDING AND (2) APPROVE OR AUTHORIZE ONE OR MORE APPROPRIATE OFFICIALS TO APPROVE THE WRITTEN CONTRACT FOR ANY SUCH NEGOTIATED PROFESSIONAL SERVICES.

(D) EXCEPT WITH THE RESPECT TO THE SELECTION OF THE PRIMARY DEVELOPMENT ENTITY WITH WHICH THE CITY SHALL ENTER INTO ANY PUBLIC-PRIVATE PARTNERSHIP (WHICH SELECTION OF SUCH PRIMARY ENTITY SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B) ABOVE), THE COUNCIL MAY EXEMPT CONTRACTS WITH INDIVIDUALS OR ENTITIES INVOLVING SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF IMPROVEMENTS, SERVICES OR CITY-RELATED EXPENSES IN EXCESS OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) TO BE ENTERED INTO IN CONNECTION WITH ANY PUBLIC-PRIVATE PARTNERSHIP UNDERTAKEN BY THE CITY FROM COMPETITIVE BIDDING AND ANY SUCH WRITTEN ANCILLARY PUBLIC-PRIVATE PARTNERSHIP CONTRACTS MAY BE NEGOTIATED BY THE CITY ADMINISTRATOR WITH THE APPROVAL OF THE COUNCIL OR BY THE COUNCIL ITSELF. BY RESOLUTION THE COUNCIL MAY (1) PROVIDE FOR THE EXEMPTION OF ANY SUCH WRITTEN ANCILLARY PUBLIC-PRIVATE PARTNERSHIP CONTRACT FROM COMPETITIVE BIDDING AND (2) APPROVE OR AUTHORIZE ONE OR MORE APPROPRIATE OFFICIALS TO APPROVE THE WRITTEN CONTRACT FOR ANY SUCH ANCILLARY PUBLIC-PRIVATE

PARTNERSHIP SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF IMPROVEMENTS, SERVICES OR CITY-RELATED EXPENSES. THE PROVISIONS OF THIS SUBSECTION (D) SHALL BE LIBERALLY CONSTRUED IN CONNECTION WITH ANY PUBLIC-PRIVATE PARTNERSHIP UNDERTAKEN BY THE CITY.

SECTION 2. The amendments to the Charter adopted by this Resolution shall become effective upon the fiftieth (50<sup>th</sup>) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 13 of Article 23A of the Annotated Code of Maryland on or before the fortieth (40<sup>th</sup>) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at City Hall or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals, within a period of forty (40) days starting immediately after the date of adoption of this Resolution.

SECTION 3. The City Clerk shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of Sections 17(f) and 9A of Article 23A of the Annotated Code of Maryland, the following documents or information concerning the Charter amendments: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

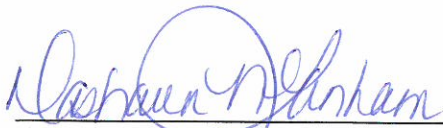
SECTION 4. The City Administrator is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be maintained in the records of the City an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.

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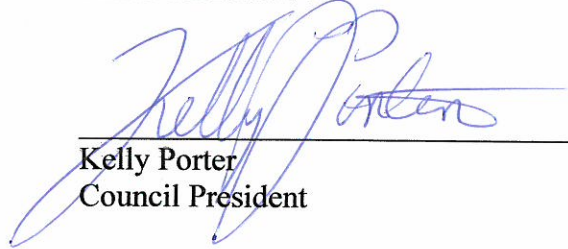
READ AND PASSED THIS 3<sup>rd</sup> DAY OF December, 2012.

Attest:

COUNCIL OF THE CITY OF  
SEAT PLEASANT



Dashaun N. Lanham  
City Clerk



Kelly Porter  
Council President

KEY:

CAPITALS INDICATE MATTER ADDED TO EXISTING CHARTER.  
[Boldface brackets] indicate matter deleted from existing Charter.

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